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**Birch, Stewart, Kolasch & Birch, LLP**

# Fax

<b>To:</b>	Mr. Joseph Torres	<b>From:</b>	Robert Downs
<b>Fax:</b>	571-273-3829	<b>Date:</b>	February 18, 2005
<b>Phone:</b>	571-272-3829	<b>Pages:</b>	4 (including cover sheet)
<b>Your Ref.:</b>		<b>Our Ref.:</b>	1248-0559P
<b>Re:</b>	Interview for Appl. No. 09/974,799	<b>CC:</b>	

☐ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

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**Comments:**    **This is to inform you that Mr. Hirata from Sharp Corp. will be joining me for the interview on Tuesday, February 22, 2005 (2pm). I will begin the interview by presenting a short summary of the invention. Thank you for conducting this interview with the applicant.**

### Applicant Initiated Interview Request Form

Application No.: 09/774,799 First Named Applicant: Tomura  
 Examiner: Torres Art Unit: 2137 Status of Application: Non-Final

**Tentative Participants:**

(1) Robert Downs (2) Joseph Torres  
 (3) Albert Decady (4) Shinya Hirata

Proposed Date of Interview: Feb. 22, 2005 Proposed Time: 2:00 (AM/PM)

**Type of Interview Requested:**

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO  
 If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	<u>Claims</u> Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>103(a)</u>	<u>30</u>	<u>Rathony, Wicker</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>103(a)</u>	<u>31</u>	<u>Rathony Wicker</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>103(a)</u>	<u>32, 33</u>	<u>Rathony Wicker</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

See Attached

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Robert Downs

Applicant/Applicant's Representative Signature

Examiner/SPE Signature

Robert Downs  
 Typed/Printed Name of Applicant or Representative

48,222  
 Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Agenda for Interview**

Present a summary of the present invention.

Discuss rejection of Claim 30, in particular, which applies as well to other independent claims. Discuss rejection of dependent claims 31, 32, and 33.

**Discussion Point 1 (Claim 30)**

Background: The Rathony reference discloses three embodiments. The first two embodiments are directed to an ARQ scheme (see column 4, lines 25-35) and the third embodiment uses a Type II hybrid ARQ scheme (see column 6, lines 38-40, 58-63). The third embodiment is specifically disclosed as using a transmission block that only contains one packet in order to increase the probability of successful decoding (column 14, lines 22-30). Wicker is relied on for showing that a Type II hybrid ARQ scheme could include error correction. The first embodiment in Rathony is relied on for teaching the claimed step of "adding a block, a retransmission of which has been requested, to a block in a data packet to be transmitted ..."

Issue: Applicant believes that Rathony does not actually teach the combination of "performing error correction decoding" and "adding a block, a retransmission of which has been requested," as recited in the claims. Applicant would like to discuss this issue.

**Discussion Point 2 (Claim 31)**

Background:

The Office Action relies on Figure 3C for teaching features of claims 31, 32, and 33. Claim 31 recites, "the data packet contains a retransmission-block field where the block, a retransmission of which has been requested, is added, the field being not used in an ordinary state where

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there is no retransmission request." In other words, in the present invention the data packet contains a retransmission-block field. In an ordinary state the retransmission-block field is transmitted as an empty block.

Issue:

Applicant does not believe that Rathony teaches transmission of an unused block.

**Discussion Point 3 (Claims 32, 33)**

Background:

Figure 3C is relied on for showing the features of claims 32 and 33. The first embodiment in Rathony is described in column 7, line 37, to column 11, line 12. Figure 3C is described in column 9, line 14, to column 10, line 3. Thus, Figure 3C pertains to the first embodiment.

In any case, the NAK signal only indicates the packet that was not received (e.g., NS=3 in Fig. 3D), or possibly indicates that the packet was received in error. Applicant believes that Rathony does not disclose that the NAK signal indicates the packet that was last outputted from the transmitting end. For example, in the case of NAK 3, NS-5 had been outputted from the transmitting end before NAK 3 was returned (see column 9, lines 33-39).

Issue:

Applicant does not believe that Rathony actually teaches features of claims 32 and 33.